

Message Text

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ACTION AF-10

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P 091545Z MAY 78
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC PRIORITY 8362

C O N F I D E N T I A L LAGOS 5804

FOR AF/W

E.O. 11652: GDS
TAGS: CASC, EFIN, NI (LEFEVRE, LOUIS)
SUBJECT: LEFEVRE CASE

REF: LAGOS 5713

1. IN MAY 8 MEETING AT EMBASSY WITH CAHILL AND PEASHOCK, LEFEVRE EXPRESSED APPRECIATION FOR EMBASSY'S CALL ON YUSUFU ON WEEKEND. YUSUFU STATEMENT THAT HE WOULD "LOOK INTO CASE" SATISFIED LEFEVRE THAT EMBASSY WAS CONSCIENTIOUSLY DOING ITS BIT.

2. WE SUGGESTED THAT LEFEVRE MIGHT CONSIDER THE POSSIBILITY OF APPLYING TO A MAGISTRATE TO LEAVE THE COUNTRY WITH A PROMISE TO RETURN FOR JUNE 23 HEARING. THIS PROCEDURE HAD RECENTLY COME TO EMBASSY ATTENTION. LEFEVRE REPLIED THAT HE HAD ALSO JUST LEARNED ABOUT THIS POSSIBILITY AND WOULD BE INVESTIGATING IT THROUGH ROTIMI WILLIAMS.

3. WE AGAIN RECOMMENDED THAT LEFEVRE SUBMIT PETITION TO ATTORNEY GENERAL, AS DISCUSSED PREVIOUSLY. THIS TIME LEFEVRE'S RESPONSE WAS POSITIVE, HE AGREEING WITH OUR VIEW THAT PETITION WOULD PROBABLY OBLIGE REPRESENTATIVE OF ATTORNEY GENERAL TO BE PRESENT AT SESSION ON JUNE 23 AND
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THUS MAKE EVENT MORE MEANINGFUL. NOT HOSTILE TO IDEA AS HE HAD BEEN BEFORE, LEFEVRE PROMISED TO RECONSIDER PETITION AND CONFER WITH WILLIAMS.

4. WE HAVE ALSO CONSULTED THE EMBASSY'S LEGAL CONSULTANT ABOUT THE PROCEDURE TO FOLLOWING IN APPLYING TO A MAGISTRATE'S COURT TO ALLOW A FOREIGNER WHOSE PASSPORT HAS BEEN HELD IN

A PENDING COURT CASE TO LEAVE COUNTRY FOR SHORT PERIOD OF TIME. HE SAID THAT THE PROCEDURE IS FOR THE ACCUSED'S LAWYER TO MAKE FORMAL APPLICATION TO THE COURT WITH COPY TO POLICE. THEN THE POLICE AND THE ACCUSED'S LAWYER GO BEFORE A MAGISTRATE TO ARGUE THE CASE. THE LAWYER MUST ACCEPT WHATEVER MAGISTRATE IS ASSIGNED TO THE CASE. THE EMBASSY'S LEGAL CONSULTANT BELIEVED THAT IT WOULD BE VERY DIFFICULT FOR THE MAGISTRATE TO DECIDE ON RELEASE OF THE PASSPORT WITHOUT AN EXTREMELY STRONG REASON SUCH AS LIFE OR DEATH ILLNESS OF AN IMMEDIATE FAMILY MEMBER, AND THEN ONLY MAYBE. HE ALSO FEARED THAT IF THE MAGISTRATE WERE A DIFFICULT PERSON, HE MIGHT REVOKE BAIL ENTIRELY IN THE BELIEF THAT THE FOREIGNER'S REAL INTENT WAS TO LEAVE AND NOT RETURN.

5. COMMENT: DESPITE THE PESSIMISM OF THE EMBASSY'S LEGAL CONSULTANT ON THIS SUBJECT, WE THINK IT IS SENSIBLE FOR LEFEVRE TO CONSULT ROTIMI WILLIAMS REGARDING THE POSSIBLE MERITS OF THIS APPROACH.
WYMAN

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